

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fisher et al.

Serial No. To be Assigned

Art Unit: TBD

Filed:

Examiner: TBD

For: OPTHALMIC COMPOSITIONS FOR TREATING
OCULAR HYPERTENSION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE
10/542169		

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: 
Attorney For Applicant(s)

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Date: July 13, 2005

#3

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETELY KNOWN Application Number 10/242169 Filing Date First Named Inventor Fisher et al. Group Art Unit Examiner Name Attorney Docket Number 21242P		
Sheet	1	of	2		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		4,386,098		Woltersdorf, Jr. et al.	05/31/1983
		4,416,890		Woltersdorf, Jr. et al.	11/22/1983
		4,426,388		Woltersdorf, Jr. et al.	01/17/1984
		4,668,697		Shepard et al.	05/26/1987
		4,863,922		Baldwin et al.	11/05/1989
		4,797,413		Baldwin et al.	01/10/1989
		5,378,703		Dean et al.	01/03/1995
		5,240,923		Dean et al.	08/31/1993
		5,153,192		Dean et al.	10/06/1992
		4,883,819		Bito	11/28/1989
		4,824,857		Goh et al.	04/25/1989
		5,001,153		Ueno et al.	03/19/1991
		5,925,342		Adorante et al.	07/20/1999
		5,877,202		Bitonti et al.	03/02/1999
		3,669, 960		Okamoto et al.	06/13/1972

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 89/10757	A1	Leo Pharmaceutical	11/16/1989
		PCT	WO 96/33719	A1	Allergan	10/31/1996
		PCT	WO 94/28900	A1	Vide Pharmaceuticals	12/22/1994

Examiner Signature	Date Considered
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETELY KNOWN		
			Application Number	10/742169	
			Filing Date		
			First Named Inventor	Fisher et al.	
			Group Art Unit		
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	21242P

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		A. M. Harman et al., "Development and Aging of Cell Topography in the Human Retinal Pigment Epithelium", 1997, pp. 2016-2026, Vol. 38, No. 10, Investigative Ophthalmology & Visual Science.
		E. L. Eliel et al., "Chirality in Molecules Devoid of Chiral Centers", 1994, pp. 1119-1190, Stereochemistry of Organic Compounds.
		R. A. Schumer et al., "The Nerve of Glaucoma!", 1994, pp. 37-44, Vol. 112, Arch Ophthalmol.
		L. Dandona et al., "Selective Effects of experimental Glaucoma on Axonal Transport by Retinal Ganglion Cells to the Dorsal Lateral Geniculate Nucleus", 1991, pp. 1593-1599, Vol. 32, No. 5, Investigative Ophthalmology & Visual Science.
		S. M. Berge, "Pharmaceutical Salts", 1977, pp. 1-19, Vol. 66, No. 1, J. of Pharmaceutical Sciences.
		K. Cardwell et al., "Methods for Indole Alkaloid Synthesis: A Study of the Compaibility of the Indole-2,3-Quinodimethane Strategy for the Synthesis of 16-Methoxy-Substituted Aspidosperama -Type Alkaloids. Synthesis of (+)-and (-)-16-Methoxytabersonine", 1988, pp. 2242-2248, Vol. 110, J. Am. Chem. Soc.
		E. Shaw, "The Synthesis of Tryptamines Related to Serotonin", 1955, pp. 4319-4323, Vol.77, J. Am. Chem. Soc.
		T.Y. Shen et al., "Non-Steroid Anti-Inflammatory Agents", 1963, pp. 488-489, Vol 85, J. Am. Chem. Soc.

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003